

## REMARKS

In the October 17, 2003 Office Action, the Examiner noted that claims 16-36 were pending in the application; required a new title; allowed claims 20-26; rejected claims 16-18, 28-30, 34 and 36 under 35 U.S.C. § 102(b); and objected to claims 19-27, 31-33 and 35 as dependent upon a rejected base claim. In rejecting the claims, U.S. Patent 5,307,029 to Schenk (Reference A in the March 3, 2003 Office Action) was cited. Claim 36 has been canceled and thus, claims 1-35 remain in the case. The Examiner's rejections are traversed below.

### Examiner Interview

The undersigned wishes to thank the Examiner for the opportunity to discuss the application during the telephonic Examiner Interview on December 4, 2003. Claim 36 has been canceled and claim 16 has been amended as discussed during the Examiner Interview.

### Title of the Invention

In item 1 on page 2 of the Office Action, a new title was required "that is clearly indicative of the invention to which the claims are directed." The title has been amended based on the suggestion of the Examiner, using words similar to those previously recited in claim 36 to describe the significant feature of the invention. Therefore, withdrawal of the rejection is respectfully requested.

### Rejections under 35 U.S.C. § 102(b)

In item 3 on pages 2-3 of the Office Action, claims 16-18, 28-30 and 34 were rejected under 35 U.S.C. § 102(b) as anticipated by Schenk. In making this rejection, column 2, lines 56-61 of Schenk was cited as indicating "that the Schenk circuit was for a transceiver" (Office Action, page 2, lines 18-19). However, as noted at the end of column 2 the circuit disclosed by Schenk "may be used in wide band radio **receiver** or transceiver applications" (column 2, lines 66-67, emphasis added). Since the circuit taught by Schenk can be used in a receiver, it is clear that the circuit is not intended "for generating a transmit frequency for a Time Division Multiple Access transceiver" (claim 16, lines 1-2) nor does it produce

a mixer output used in generating a signal at the transmit frequency which has a nonintegral relationship with the oscillator frequency to minimize disturbance of the oscillator frequency caused by feedback to said controllable oscillator when the signal is intermittently produced to implement Time Division Multiple Access

(claim 16, last lines). Rather, as described above, the circuit taught by Schenk generates multiple frequencies that are used for tuning in a receiver or the receiver portion of a transceiver, without any mention of any use with TDMA or how a transmitter for TDMA would be affected.

For the reasons set forth above, it is submitted that claim 16 and claims 17, 18, 28-30 and 34 which depend there from patentably distinguish over Schenk.

#### **Allowable Claims**

In item 5 on page 4 of the Office Action, the Examiner objected to claims 19, 27, 31-33 and 35 as dependent upon a rejected base claim, but allowable if rewritten in independent form. Since claims 19, 27, 31-33 and 35 depend from claim 16, it is submitted that claims 19, 27, 31-33 and 35 patentably distinguish over the prior art at least for the reasons set forth above with respect to claim 16..

#### **Summary**

It is submitted that Schenk does not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 16-19 and 28-35, in addition to claims 20-27 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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